IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 5424 of 2005

Date of decision: 04.12.2006

Harkewal Singh

..... Petitioner.

Versus

Major Singh and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE P.S. PATWALIA

Present:- Mr.J.S. Brar, Advocate
for the petitioner.

P.S. PATWALIA, J. (ORAL)

By way of present revision petition the petitioner is challenging order dated 21.06.2005 dismissing an application filed by the petitioner for restoration of the election petition filed by him.

A perusal of order would show that application was dismissed as his counsel was not present when it was called out for hearing. Learned counsel for the petitioner submits that he should not be penalized for the act of his counsel. He further states that his counsel did not inform him that he would not be appearing otherwise the petitioner could have appeared himself in person. In spite of the fact that notice was issued to respondent Nos. 1 to 4 and they have been served yet no one has appeared for them.

Since the election was held on 29.06.2003 and more than three and a half years has elapsed I am of the opinion that the interest of justice require that the order dated 21.06.2005 dismissing the application filed for

restoration of the election petition has been dismissed in default be set aside. The application would now be heard and decide on merit. This would be done by the Election Tribunal after issuing notices to all respondents. Petitioner would appear before the Election Tribunal on 18.12.2006.

The present revision petition is disposed of accordingly.

December 04 , 2006 **(P.S. PATWALIA)**
dinesh **JUDGE**